

Utilities and Service Systems

Chapter 3.17

SUMMARY OF FINDINGS

The proposed Project will result in less than significant impacts to Utilities and Service Systems with mitigation. A detailed review of potential impacts is provided in the analysis below.

INTRODUCTION

California Environmental Quality Act (CEQA) Requirements

This section of the Draft Environmental Impact Report (DEIR) addresses potential impacts to Utilities and Service Systems. As required in Section 15126, all phases of the proposed Project will be considered as part of the potential environmental impact.

As noted in Section 15126.2 (a), “[a]n EIR shall identify and focus on the significant environmental effects of the proposed Project. In assessing the impact of a proposed Project on the environment, the lead agency should normally limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published, or where no notice of preparation is published, at the time environmental analysis is commenced. Direct and indirect significant effects of the Project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects. The discussion should include relevant specifics of the area, the resources involved, physical changes, alterations to ecological systems, and changes induced in population distribution, population concentration, the human use of the land (including commercial and residential development), health and safety problems caused by the physical changes, and other aspects of the resource base such as water, historical resources, scenic quality, and public services. The EIR shall also analyze any significant environmental effects the Project might cause by bringing development and people into the area affected. For example, an EIR on a subdivision astride an active fault line should identify as a significant effect the seismic hazard to future occupants of the subdivision. The subdivision will have the effect of attracting people to the location and exposing them to the hazards found there. Similarly, the EIR should evaluate any potentially significant impacts of locating development in other areas susceptible to hazardous conditions (e.g., floodplains, coastlines, wildfire risk areas) as identified in authoritative hazard maps, risk assessments or in land use plans addressing such hazards areas.”¹

The environmental setting provides a description of the Utilities and Service Systems setting in the County. The regulatory setting provides a description of applicable Federal, State and Local regulatory policies that were developed in part from information contained in the Tulare County 2030 General Plan, the Tulare County General Plan Background Report and/or the Tulare

¹ 2012 CEQA Guidelines, Section 15126.2 (a)

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County General Plan Revised DEIR incorporated by reference and summarized below. Additional documents utilized are noted as appropriate. A description of the potential impacts of the proposed Project is provided and includes the identification of feasible mitigation measures (if necessary and feasible) to avoid or lessen the impacts.

Thresholds of Significance

- Increase wastewater beyond existing treatment capacity per the RWQCB
- Result in the need for waste water infrastructure that would cause impacts
- Result in the need for waste water infrastructure that would cause impacts
- Result in the need for water supplies or entitlements
- Result in the determination by the wastewater provider that it has adequate capacity
- Served by a landfill with sufficient permitted capacity to Project's needs
- Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

ENVIRONMENTAL SETTING

"Tulare County and special districts provide many important services to County residents and businesses in unincorporated communities and hamlets such as water, wastewater, storm drainage, solid waste removal, utilities, communications, fire protection, law enforcement, and a number of other community facilities and services (schools, community centers, etc.)."²

"Water districts supply water to communities and hamlets throughout the County. Most communities and some hamlets have wastewater treatment systems; however, several communities including Three Rivers, Plainview, Alpaugh, and Ducor rely on individual septic systems. Storm drainage facilities are generally constructed and maintained in conjunction with transportation improvements or new subdivisions in communities. Solid waste collection in the County is divided into service areas, as determined by the Board of Supervisors, with one license for each area. Southern California Edison provides electric service to the south and central areas of Tulare County while PG&E provides electric service in the north. The Gas Company is the primary provider of natural gas throughout the County."³

The proposed Project requires a solid waste facility permit from Tulare County Environmental Health Division. A "Solid Waste Facility includes a solid waste transfer or processing station, a composting facility, a transformation facility, and a disposal facility. Section 40194 of the PRC (Definitions)"⁴

On August 28, 2012, the Board of Supervisors approved the closure of the Earlimart, Balance Rock, Badger, and Kennedy Meadows Waste Transfer Stations was reduced but not closed.

² Tulare County 2030 General Plan, page 14-3

³ Ibid., page 14-3

⁴ CalRecycle website, <http://www.calrecycle.ca.gov/swfacilities/Permitting/permitttype/FullPermit/>

Although, it was determined that there is sufficient capacity in the landfills, expansion of other transfer stations throughout Tulare County is desirable.

REGULATORY SETTING

Federal Agencies & Regulations

Resource Conservation and Recovery Act (RCRA)

Congress passed RCRA on October 21, 1976 to address the increasing problems the nation faced from our growing volume of municipal and industrial waste. RCRA, which amended the Solid Waste Disposal Act of 1965, set national goals for:

- Protecting human health and the environment from the potential hazards of waste disposal.
- Conserving energy and natural resources.
- Reducing the amount of waste generated.
- Ensuring that wastes are managed in an environmentally-sound manner
- To achieve these goals, RCRA established three distinct, yet interrelated, programs:
- The solid waste program, under RCRA Subtitle D, encourages states to develop comprehensive plans to manage nonhazardous industrial solid waste and municipal solid waste, sets criteria for municipal solid waste landfills and other solid waste disposal facilities, and prohibits the open dumping of solid waste.
- The hazardous waste program, under RCRA Subtitle C, establishes a system for controlling hazardous waste from the time it is generated until its ultimate disposal — in effect, from “cradle to grave.”
- The underground storage tank (UST) program, under RCRA Subtitle I, regulates underground storage tanks containing hazardous substances and petroleum products. RCRA banned all open dumping of waste, encouraged source reduction and recycling, and promoted the safe disposal of municipal waste. RCRA also mandated strict controls over the treatment, storage, and disposal of hazardous waste.

State Agencies & Regulations

California Global Warming Solutions Act of 2006 (AB 32)

With the passage of AB 32, the California Air Resources Board was required to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions levels in 1990 to be achieved by 2020. To achieve this requirement, a Scoping Plan was adopted in 2008 that includes high recycling and zero waste as a way to reduce greenhouse gas emissions from landfills. “As virgin raw materials are replaced with recyclables, a large reduction in energy consumption should be realized. Implementing programs with a systems approach that

focus on consumer demand, manufacturing, and movement of products will result in the reduction of greenhouse gas emissions and other co-benefits.”⁵

Cal Recycle Full Solid Waste Facility Permit

“Public Resources Code (PRC), Sections 44001 and 44002, state that:

- "...no person shall operate a solid waste facility without a solid waste facilities permit..."
- "...any person who proposes to become an operator of a solid waste facility shall file with the enforcement agency having jurisdiction over the facility, or the board if there is no designated and certified enforcement agency, an application for a solid waste facilities permit..."

"Solid Waste Facility" includes a solid waste transfer or processing station, a composting facility, a transformation facility, and a disposal facility. Section 40194 of the PRC (Definitions) The following types of facilities are currently required to obtain a full solid waste facilities permit prior to commencing operations:

- Solid waste landfills
- All compost facilities with feedstock other than green material (Title 14, Section 17854)
- Green Material Composting Facilities with more than 12,500 cubic yards of feedstock, compost, or chipped and ground material on-site at any one time (Title 14, Section 17857.1)
- Chipping and Grinding Operations handling more than 500 tons per day (Title 14, Section 17862.1)
- Large volume transfer/processing facilities (Title 14, Section 17403.7) receiving 100 tons or more of solid waste per operating day.
- Transformation (a.k.a. "waste to energy" or "co-generation") means incineration, pyrolysis, distillation, or biological conversion of mixed municipal waste (including biosolids). "Transformation" does not include composting, gasification, or biomass conversion (PRC Section 40201).
- Certain large volume construction and demolition/inert debris facilities.”⁶

Local Policy & Regulations

Tulare County General Plan Policies

The General Plan has a number of policies that apply to projects within Tulare County. General Plan policies that relate to the proposed Project are listed below.

PFS-2.1 Water Supply

The County shall work with agencies providing water service to ensure that there is an adequate quantity and quality of water for all uses, including water for fire protection, by, at a minimum,

⁵ Climate Change Scoping Plan, page 62

⁶ CalRecycle Website, <http://www.calrecycle.ca.gov/swfacilities/Permitting/permitttype/FullPermit/>

requiring a demonstration by the agency providing water service of sufficient and reliable water supplies and water management measures for proposed urban development.

PFS-2.3 Well Testing

The County shall require new development that includes the use of water wells to be accompanied by evidence that the site can produce the required volume of water without impacting the ability of existing wells to meet their needs.

PFS-2.4 Water Connections

The County shall require all new development in UDBs, UABs, Community Plans, Hamlet Plans, Planned Communities, Corridor Areas, Area Plans, existing water district service areas, or zones of benefit, to connect to the community water system, where such system exists. The County may grant exceptions in extraordinary circumstances, but in these cases, the new development shall be required to connect to the water system when service becomes readily available.

PFS-2.5 New Systems or Individual Wells

Where connection to a community water system is not feasible per PFS-2.4: Water Connections, service by individual wells or new community systems may be allowed if the water source meets standards for quality and quantity.

PFS-3.1 Private Sewage Disposal Standards

The County shall maintain adequate standards for private sewage disposal systems (e.g., septic tanks) to protect water quality and public health.

PFS-3.2 Adequate Capacity

The County shall require development proposals to ensure the intensity and timing of growth is consistent with the availability of adequate wastewater treatment and disposal capacity.

PFS-3.4 Alternative Rural Wastewater Systems

The County shall consider alternative rural wastewater systems for areas outside of community UDBs and HDBs that do not have current systems or system capacity. For individual users, such systems include elevated leach fields, sand filtration systems, evapotranspiration beds, osmosis units, and holding tanks. For larger generators or groups of users, alternative systems, including communal septic tank/leach field systems, package treatment plants, lagoon systems, and land treatment, can be considered.

PFS-4.1 Stormwater Management Plans

The County shall oversee, as per Community Plan Content Table PF-2.1 and Specific Plan Content, Hamlet Plans Policy PF-3.3, and Table LU-4.3, the preparation and adoption of stormwater management plans for communities and hamlets to reduce flood risk, protect soils from erosion, control stormwater, and minimize impacts on existing drainage facilities, and develop funding mechanisms as a part of the Community Plan and Hamlet Plan process.

PFS-4.2 Site Improvements

The County shall ensure that new development in UDBs, UABs, Community Plans, Hamlet Plans, Planned Communities, Corridor Areas, and Area Plans includes adequate stormwater drainage systems. This includes adequate capture, transport, and detention/retention of stormwater.

PFS-4.3 Development Requirements

The County shall encourage project designs that minimize drainage concentrations and impervious coverage, avoid floodplain areas, and where feasible, provide a natural watercourse appearance.

PFS-4.4 Stormwater Retention Facilities

The County shall require on-site detention/retention facilities and velocity reducers when necessary to maintain existing (pre-development) storm flows and velocities in natural drainage systems. The County shall encourage the multi-purpose design of these facilities to aid in active groundwater recharge.

PFS-4.5 Detention/Retention Basins Design

The County shall require that stormwater detention/retention basins be visually unobtrusive and provide a secondary use, such as recreation, when feasible.

PFS-4.7 NPDES Enforcement

The County shall continue to monitor and enforce provisions to control non-point source water pollution contained in the U.S. Environmental Protection Agency National Pollution Discharge Elimination System (NPDES) program.

PFS-5.1 Land Use Compatibility with Solid Waste Facilities

The County shall ensure that solid waste facility sites (for example, landfills) are protected from the encroachment by sensitive and/or incompatible land uses.

PFS-5.3 Solid Waste Reduction

The County shall promote the maximum feasible use of solid waste reduction, recycling, and composting of waste, strive to reduce commercial and industrial waste on an annual basis, and pursue financing mechanisms for solid waste reduction programs.

PFS-5.4 County Usage of Recycled Materials and Products

The County shall encourage all industries and government agencies in the County to use recycled materials and products where economically feasible.

PFS-5.8 Hazardous Waste Disposal Capabilities

The County shall require the proper disposal and recycling of hazardous materials in accordance with the County's Hazardous Waste Management Plan.

PFS-5.9 Agricultural Waste

The County shall investigate waste disposal and reuse needs for agricultural wastes for energy and other beneficial uses and shall change County plans accordingly.

IMPACT EVALUATION

Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

Project Impact Analysis: ***Less than Significant Impact with Mitigation***

Although the proposed Project consists of the construction and operation of an anaerobic digester and CNG facility, it will not include any facilities that will generate wastewater that will need to be treated at facility, nor will it require the construction of a new wastewater treatment facility or the expansion of existing wastewater treatment facilities. Since the proposed Project will not result in a change to facilities or operations at existing wastewater facilities servicing Harvest Power's existing composting facility, the Regional Water Quality Control Board's (RWQCB) wastewater treatment requirements will not be exceeded. In addition, the existing facility utilizes an on-site septic tank and leach field septic system for the office. According to the applicant, the existing septic system does not handle contact water generated from solid waste. Nonetheless, the facility may exceed wastewater treatment standards for composting facilities, dairy ponds and/or digesters, and may require a permit or updated permit from the RWQCB. Upon final adoption of the General Order for Composting the Project will also be subject to the General Order's Composting requirements. Upon receipt of RWQCB's determination, the proposed Project may be subject to RWQCB standards and may require a Report of Waste Discharge. Subsequently, the Project will result in a less than significant impact with the above noted mitigation.

Cumulative Impact Analysis: ***Less than Significant Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, General Plan background Report, and/or Tulare County 2030 General Plan EIR.

The proposed Project will generate liquid digestate. All of the digestate will be either immediately mixed with the compost material or held and then used in the composting process. This amount of wastewater will not require an expansion of a wastewater facility. Less than significant cumulative impacts related to this checklist item will occur.

Mitigation Measures:

3.17-1 The Project shall comply with any conditions required by the RWQCB for wastewater treatment for on-site effluent treatment in lagoons or

tanks. RWQCB conditions shall be forwarded to the Tulare County Planning Branch and the Environmental Health and Human Services Agency for appropriate action.

3.17-2 The Project shall be required to obtain any applicable permit from the RWQCB as appropriate.

3.17-3 The Project shall include all facilities as specified by the RWQCB and/or the Tulare County Planning Branch and the Environmental Health and Human Services Agency.

Conclusion: ***Less than Significant Impact with Mitigation***

With implementation of the Mitigation Measures noted earlier, the potential Project specific impacts related to this checklist item will be reduced to a level considered less than significant.

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Project Impact Analysis: ***Less than Significant Impact with Mitigation***

The proposed Project does not include the creation or expansion of a wastewater treatment facility. The impact will be less than significant.

Cumulative Impact Analysis: ***No Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, General Plan background Report, and/or Tulare County 2030 General Plan EIR.

The proposed Project will not generate an increase in the amount of wastewater needing to be hauled or piped to a permitted wastewater treatment facility. No cumulative impacts will occur.

Mitigation Measures:

3.17-4 The applicant shall prepare a SWPPP prior to construction and keep it on site per the NPDES requirements.

Conclusion:

No Impact

As noted above, no Project specific or cumulative impacts related to this checklist item will occur.

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Project Impact Analysis:

Less than Significant Impact with Mitigation

The proposed Project will result in a new or an expansion of a local public storm water drainage facility. Storm water on the Project site is currently directed to one of two drainage detention basins. The digester design proposes the design and construction of a drainage swale. Sprinkler Irrigated Digestate effluent usage on the site will consist of using the liquid digestate on the compost piles during the dry months and will create insignificant runoff. Runoff from storm events will drain into a separate detention basin and not affect the manure detention pond. The runoff from the site will either evaporate or percolate in the basin; other on site runoff will be designed to percolate through the ground surface, and not be added to the manure waste water detention facility. All internal runoff created by facility operations will be contained on site and drainage patterns on the site will not be significantly altered during development. A retention ponding basin will be designed to collect runoff water from the proposed Project site. The existing topography on project site will also be modified to ensure that proposed Project water runoff is contained on site. Further, in order to prevent water and wind erosion during the construction period, a Storm Water Pollution Prevention Plan (SWPPP) will be developed for the proposed Project as required for all projects which disturb more than one acre in area. As part of the SWPPP, the applicant will be required to provide erosion control measures to protect the topsoil. Any stockpiled soils will be watered and/or covered to prevent loss due to wind erosion as part of the SWPPP during construction. As a result of these efforts, loss of topsoil and substantial soil erosion during the construction period are not anticipated. No new storm drainage facilities will be needed. The proposed and existing storm water facilities will require the approval of the public works department and environmental health in order to show that the Project's storm drainage facilities are sufficient to meet the storm water needs of the proposed Project.

Cumulative Impact Analysis:

Less than Significant Impact with Mitigation

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, General Plan background Report, and/or Tulare County 2030 General Plan EIR.

The proposed Project will retain storm water on site. There are two foot berms designed around the perimeter of this facility and a new drainage swale is proposed. Currently, no storm drainage water currently leaves the site nor is it anticipated that design features of the

Mitigation Measures:

None Required.

Conclusion:

As noted earlier, less than significant Project specific and cumulative impacts related to this checklist item will occur.

- e) **Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

Project Impact Analysis: *No Impact*

The proposed Project includes a new septic system. No connections to a wastewater treatment provider are proposed. No Project specific impacts related to this checklist item will occur.

Cumulative Impact Analysis: *No Impact*

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, General Plan background Report, and/or Tulare County 2030 General Plan EIR.

The proposed Project includes a new septic system. No connections to a wastewater treatment provider are proposed. No cumulative impacts related to this checklist item will occur.

Mitigation Measures:

None Required.

Conclusion: *No Impact*

As noted earlier, no Project specific or cumulative impacts related to this checklist item will occur.

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

Project Impact Analysis: ***No Impact***

The proposed Project includes expansion of the existing composting use and an anaerobic biodigester. Although the Project may use a local land fill during the construction phase, by diverting organic waste from landfills the proposed Project will have a net beneficial impact related solid waste disposal capacity. No Project specific impacts related to this checklist item will occur.

Cumulative Impact Analysis: ***No Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, General Plan background Report, and/or Tulare County 2030 General Plan EIR.

The proposed Project will reduce materials going directly to landfills. The proposed Project will have a cumulative benefit related to this checklist item as it will reduce the amount of waste sent to landfills.

Mitigation Measures:

None Required.

Conclusion: ***No Impact***

As noted earlier, no Project specific or cumulative impacts related to this checklist item will occur.

g) Comply with federal, state, and local statutes and regulations related to solid waste?

Project Impact Analysis: ***Less than Significant Impact with Mitigation***

As part of the objectives, the proposed Project is intended to comply with the California Global Warming Solutions Act of 2006 (AB 32). As noted in the Scoping Plan for AB 32, recycling, composting, and the diversion of solid waste from landfills is outlined as actions to that will assist achieving the California Air Resources Board target of 1990 levels of greenhouse gas emissions. The benefits from the project in diverting green waste and fat, oil and grease from the typical waste stream is a net benefit to the County.

The Project currently complies with all Solid Waste Regulations. The proposed expansion will increase the tonnage of material to be composted from 156,000 tpy to 216,000 tpy. The Project currently has a Solid Waste Facility Permit SWFP, including a Cal Recycle approved

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Report of Compost Site Information (RCSI) and a Odor Impact Management Plan (OIMP). The existing SWFP will be revised for the added composting. The digester will require an additional RCSI and OIMP and the SWFP revised for the Anaerobic Digester.

The anaerobic digester has been reviewed by Tulare County Environmental Health Division, which provided recommendations that apply to anaerobic digester equipment. These recommendations are listed as mitigation measures.

With implementation of the following mitigation measures, the proposed Project will result in less than significant Project specific impacts related to this checklist item.

Cumulative Impact Analysis: ***Less than Significant Impact with Mitigation***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, General Plan background Report, and/or Tulare County 2030 General Plan EIR.

The proposed Project will not result in any Project specific impacts and will not contribute to any cumulative impacts.

Mitigation Measures:

- 3.17-6 The applicant shall obtain an updated Solid Waste Facility Permit (SWFP) per CCR, Title 27, Section 21570. A SWFP must be obtained prior to the issuance of building permits, the commencement of the additional composting, and the construction of the anaerobic digestion facility.**

Conclusion: ***Less than Significant Impact with Mitigation***

With mitigation, less than significant Project specific and cumulative impacts related to this checklist item will occur.

REFERENCES

Tulare County 2030 General Plan, August 2012

Climate Change Scoping Plan, California Air Resources Board for the State of California,
December 2008

EPA's Summary of the Resource Conservation and Recovery Act
<http://www.epa.gov/epawaste/laws-regs/rcrahistory.htm>

2012 CEQA Guidelines

Cal Recycle website,
<http://www.calrecycle.ca.gov/swfacilities/Permitting/permitttype/FullPermit/>